

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: RIESS , et al.

Serial No.: 10/567,090

Filed: 2/3/2006

Title: Partial Decomposition Projectile with a Massive Core and a
Core Made of Pressed Powder

Art Unit: 3641

Examiner: To be assigned

**PETITION FOR WITHDRAWAL OF ERRONEOUS
HOLDING OF ABANDONMENT**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Sir:

January 16, 2009

Applicants, through their undersigned attorney, acknowledges receipt of a Notice of Abandonment dated November 21, 2008, in connection with the above-identified application. Applicants, however, submit that the Notice of Abandonment is erroneous, and withdrawal of the erroneous holding of abandonment is requested.

The Notice of Abandonment alleges the abandonment to be due to the failure to respond to a Notification of Missing Requirements mailed March 10, 2008. However, this Notification of Missing Requirements was never received in the offices of the undersigned.

The procedures of the office of the undersigned are that, when a Notification of Missing Requirements is received from the U.S. Patent and Trademark Office (USPTO), the firm's computer docketing system is updated and the end of the fully extended period for response to the Notification of Missing Requirements is also docketed manually in the firm's main Docketing Book.

The firm's computer-based docketing system generates reports that are distributed to responsible attorneys/agents on a daily basis. The system also generates periodic reminders, usually one month before the first due date, two weeks before each due date and the day of each due date, which reminders are distributed to responsible attorneys/agents.

The main docketing book is reviewed daily by a docket clerk who coordinates all required responses among the responsible attorneys/agents. The main docketing book is also reviewed daily by a partner of the firm to ensure that all required responses have been or are in the process of being timely filed.

A copy of a "Case Detail Report" from the firm's computer docketing system and a copy of the October 10, 2008 page of this Docket Book, which represents the end of the fully extended period for response for a Notification of Missing Requirements under 35 U.S.C. 371 dated March 10, 2008, are attached. As is apparent, no record exists on such page for Serial No. 10/ 567,090 (Our Docket No.: 306.45852X00). Additionally, the undersigned attorney has reviewed the computer records and the file for the above-identified application, and no indication of receipt of a Notification of Missing Requirements under 35 U.S.C. 371 dated March 10, 2008 for such application appears therein.

Applicants submit that the Notification of Missing Requirements under 35 U.S.C. 371 dated March 10, 2008 for the above-identified application was not received in the offices of the undersigned, such that a response thereto could not have been made. Accordingly, applicants submit that the Notice of Abandonment is erroneous, based upon the facts, and the Notice of Abandonment should be withdrawn and a new Notification of Missing Requirements having a new response period should be mailed.

Please charge any shortage in the fees due in connection with the filing of this paper, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (Case: 306.45852X00), and please credit any excess fees to such deposit account.

Respectfully submitted,

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